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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,898	11/25/2003	David H. Mead	IN-5692	1188
26922	7590	10/17/2006		
BASF CORPORATION 1609 BIDDLE AVENUE WYANDOTTE, MI 48192			EXAMINER KRUE, KEVIN R	
			ART UNIT 1773	PAPER NUMBER

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/723,898

Applicant(s)

MEAD ET AL.

Examiner

Kevin R. Kruer

Art Unit

1773

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

### **ADVISORY ACTION**

Applicant's arguments filed September 27, 2006 have been fully considered but is not persuasive.

Applicant argues the teachings of Kraft are not analogous to the teachings of Ravinovitch because said teachings deal with light reflective pigment, which is not synonymous with IR reflective pigment. While the teachings of Kraft are drawn to a pigment reflective in the visible region and the teachings of Ravinovitch is drawn to a pigment reflective in the IR region, the examiner takes the position the teachings of Kraft and Ravinovitch are analogous to one another and in the same field of endeavor (reflective pigment containing layers). Furthermore, the examiner maintains the position the teachings of Kraft with regards to pigment may be extrapolated to other pigments regardless of the wavelength at which they reflect. Applicant has not convincingly argued as to why such an extrapolation would have been outside the knowledge of the skilled artisan at the time the invention was made. Thus, the rejection is maintained.

Applicant argues, "at best, Kraft informs the skilled artisan that increasing a pigment layer thickness can increase reflectivity." Said admission is noted and the examiner takes the position that this is the exact teaching for which Kraft is relied upon in the rejection. Specifically, Kraft clearly establishes thickness as a result effective variable and suggests the correlation between thickness and reflectance changes at higher thickness or with relative amounts of pigment.

Applicant further argues the capstock taught in Ravinovitch has a thickness of 450mils (example 1). The noted thickness is the thickness of a test panel and there is

no teaching in Ravinovitch that the thickness of the disclosed capstock is limited in any way. Furthermore, said embodiment of the examples is not a coating that has been applied to a substrate. Thus, the examiner maintains the position that it would have been obvious to vary the thickness of said IR reflective pigment layer in order to optimize the film's reflectivity.

With respect to Stamper, Applicant argues the reference discloses a laminate of two layers and there is not suggestion or motivation provided to a skilled artisan to separate the TiO<sub>2</sub> layer from the other Sb<sub>2</sub>O<sub>3</sub> layer. The examiner never took the position that the layers should be separated and notes that the claims are not limited to one layer. Furthermore, the intermediate product of Stamper reads on the claimed invention.

Applicant further argues Stamper provides no motivation, appreciation, or suggestion to the skilled artisan that the titanium dioxide layer provides essentially no transmittance of the near infrared wavelength. The examiner respectfully disagrees. Stamper teaches the layer should provide resistance to sunlight. Thus, optimal protection would be obtained with 0% transmittance. With respect to the thickness, the examiner takes the position that 24mils is "about 20mils." Furthermore, Stamper teaches each layer should have a thickness of 12-50mils which overlaps applicant's claims.

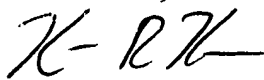
Thus, the rejections are maintained.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer  
Patent Examiner-Art Unit 1773